

Senator Storey called up Senate bill No. 9, entitled "An act supplemental to and amendatory of an act entitled 'an act to make an appropriation for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881,' approved April 23, 1879," and moved that 100 copies of the bill be printed.

Senator Gooch moved to amend by adding "by 9 o'clock to-morrow." Accepted, and the motion as amended adopted.

Senator Burton offered the following resolution:

WHEREAS, This is the nineteenth day of June, the fourteenth anniversary of the emancipation of slaves in the United States, and

Whereas, A large number of citizens, including members of the Legislature, desire to participate in the celebration of the day; therefore be it

Resolved, That the Senate stand adjourned until to-morrow, June 20, at 9 o'clock A. M.

Carried, by the following vote:

YEAS.			
Blassingame,	Ford,	Lair,	Patton,
Brown,	Gooch,	Lane,	Ripetoe,
Burnett,	Grace,	Ledbetter,	Shannon,
Burton,	Guy,	Martin,	Stewart,
Davenport,	Hobby,	McCulloch,	Tilson—23.
Edwards,	Houston,	Moore,	

NAYS.		
Story,	Street,	Terrell—3.
Not voting—Buchanan, Duncan, Homan, Motley, Swain.		

TENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 20, 1879. }

The Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Houston, the reading of the journals of yesterday was dispensed with and the same adopted.

Senator Terrell presented the memorial of George W. Sampson, president of the Capital State Fair, "Asking a change in the tax law passed at the regular session of this Legislature, imposing a tax on horse racing," so as to exempt from the operation of said provision associations like the one he represents, or such as encourage racing, not for the purpose of betting, but for the purpose of encouraging the importation of thoroughbred stock into the state, and stating that in a great stock raising state like Texas, it is extremely impolitic to place restrictions on the introduction and running of thoroughbred stock in the state, etc.

Resolution ordered to lie on the table until called up for action.

Senator Lair presented the petition of several merchants, lawyers, bankers and others of Collin county, asking a repeal of the occupation tax."

Referred to committee on finance.

Senator Guy, chairman of committee on general land office, submitted the following reports:

COMMITTEE ROOM, AUSTIN, June 19, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on general land office, to whom was referred Senate bill No. 42, entitled "A bill to amend article 3962, chapter 10, title 69, Revised Statutes," have had the same under consideration, and I am instructed by a majority of said committee to report said bill back to the Senate and to recommend that it do pass.

GUY, *Chairman.*

Bill just reported read first time.

COMMITTEE ROOM, AUSTIN, June 19, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on general land office, to whom was referred Senate bill No. 44, entitled "A bill to be entitled 'an act to authorize the receiver of the general land office to refund money to depositors under certain circumstances,'" have considered the same, and I am instructed by a majority of said committee to report said bill back to the Senate and to recommend its passage.

GUY, *Chairman.*

Bill read first time.

Senator Terrell offered the following resolution:

Resolved, That in the judgment of the Senate the governor of the state should call the attention of this Legislature to the propriety of so changing the present tax law, as not to impose a tax on the running of blooded horses when conducted at state and county fairs under the auspices of a state or county fair association.

Senator Homan offered the following amendment:

Add, "and to correct verbal errors in said tax law, and to more clearly provide therein against conflict between said tax law and the penal laws of the state against betting on certain games."

Senator Lane offered the following as a substitute for the pending resolution:

Resolved, In the judgment of the Senate; that the governor of the state should call the attention of the Legislature to the propriety of repealing the tax now imposed upon horse racing, where the distance run is over four hundred and forty yards.

The amendment of Senator Homan was adopted, and the substitute of Senator Lane was lost.

Senator Street offered the following amendment:

Amend by adding after the words "state or county fair association," "or other incorporated agricultural or blooded stock association."

Accepted.

Senator Shannon offered the following amendment:

Strike out "blooded" where it occurs.

Adopted by the following vote:

YEAS.

Brown,	Davenport,	Houston,	Shannon,
Buchanan,	Duncan,	Lair,	Storey,
Burnett,	Edwards,	Lane,	Street,
Burton,	Ford,	Ledbetter,	Tilson—16.

NAYS.

Blassingame,	Guy,	McCulloch,	Patton,
Gooch,	Hobby,	Moore,	Stewart,
Grace,	Homan,	Motley,	Terrell—12.

Not voting—Martin, Ripetoe, Swain.

Senator Duncan called for a division of the question.

On motion of Senator Gooch, that portion of the resolution in reference to gaming was referred to the committee on stock and stockraising.

Senator Martin moved that the remainder of the resolution be referred to the committee on finance.

Carried by the following vote:

YEAS.			
Blassingame,	Grace,	Martin,	Storey,
Buchanan,	Houston,	McCulloch.,	Street,
Burton,	Lair,	Moore,	Swain,
Ford,	Lane,	Motley,	Terrell--17.
Gooch,			
NAYS.			
Brown,	Duncan,	Homan,	Shannon,
Burnett,	Edwards,	Ledbetter,	Stewart,
Davenport,	Hobby,	Ripetoe,	Tilson--12.
Not voting--Guy, Patton.			

The following messages were received from his excellency the governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, June 20, 1879. }

To the honorable Senate and House of Representatives in Legislature assembled:

I respectfully submit for your consideration the following additional subjects of legislation:

47. An amendment of the law passed at the regular session of the Sixteenth Legislature relating to the execution and recording of deeds and other instruments.

48. An amendment of the law for the collection of taxes to allow and require taxes to be collected in a county different from that in which it was assessed, when property is removed or in other events which make it necessary.

49. A law to quiet titles issued from the government, and to prevent locations thereon until title is adjudicated.

50. A law to make the lien for materials furnished and labor done on railroads more full and complete.

51. A law to amend the estray law to make it more practical, especially in reference to estraying horses.

52. An amendment of the law to encourage stockraising, etc., to enable any other county to be included therein, and in such other matters as may be deemed proper.

53. An act to bid off property by the state and by counties, sold on executions on debts due by judgments, and when necessary to dispose of the same and of the judgments, also to collect money or part of it so due.

54. A law for the better protection of crops and products of the soil.

55. Amendments of the law for protection of frontier in reference to the power of the members of the troops to act as civil officers and in aid of them.

56. A law to define what property used for school purposes is exempt from taxation under section 2, article 8 of the constitution,

57. A law taking such action as may be necessary and proper in regard to a bill to amend the charter of Dallas, which failed at the late session by not being enrolled and presented to the governor.

58. An amendment of the law fixing the branches of the supreme court and court of appeals to which the cases of certain counties are returned.

59. A law to regulate and enforce the collection of costs and expenses in case of change of venue.

60. Amendment of law as to right of county judges to practice law in certain courts.

61. An amendment of the law of taxation relating to drummers and entry of horses at a race, if the Legislature should think proper.

62. A law to enable lands sold for taxes to be redeemed when purchaser is absent or cannot be found.

63. An act to enable municipal authorities of towns and cities and county courts to co-operate with each other in improvements connected with the town or city and county necessary to promote the sanitary regulations thereof.

64. An amendment of the laws relating to quarantine, so as to secure greater efficiency therein.

65. The honorable Senate is respectfully requested to act upon appointments of notaries public and other officers sent to them for advice and consent.

I have submitted to your consideration many subjects of legislation in this and the previous messages during this session, in deference to the wishes of members of the Legislature who have requested it.

Respectfully,

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, June 20, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following corrections in the name of a notary public for Rusk county:

J. B. Hollingsworth in place of Bently Hollingsworth.

Respectfully,

O. M. ROBERTS, *Governor.*

Senator Homan offered the following resolution:

WHEREAS, It is impracticable to secure the services of stenographers to report the proceedings and debates of the Senate for publication in accordance with the contract made with E. W. Swindells; therefore,

Resolved, That the printing committee be authorized to contract with said Swindells for 500 copies daily of the journals of the Senate, with out debates, in quarto forms, for distribution, and 500 copies daily to be reserved for binding, and that each senator be allowed to subscribe for not more than thirty copies of such daily paper as he may select, containing a synopsis of the proceedings of the Senate, at a cost not to exceed three cents a copy. The cost of said journals and papers to be paid for out of the contingent fund.

Senator Martin called for a division of the resolution.

The part of the resolution "to take 1000 copies of the record," was adopted.

The remainder of the resolution was then adopted.

Senator Houston, chairman of committee on state affairs, submitted the following report:

COMMITTEE ROOM, AUSTIN, June 20, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on state affairs have considered the invitation from Palestine Lodge No. 31 A. F. & A. M., Palestine Chapter No. 10 R. A. M., and Palestine Commandery No. 3 K. T., to be present at and witness the ceremonies of dedicating the new Masonic Temple at Palestine on Tuesday, June 24, 1879, and in the opinion of your committee the limited period in which we have to work at the present session, and the press of public business to be transacted, renders it inconsistent with the public interests for the Senate to accept the kind invitation so tendered, and your committee recommend the adoption of the following resolution:

Resolved, That the Senate of Texas highly appreciate the kind and courteous invitation of Palestine Lodge No. 31 A. F. & A. M., Palestine Chapter No. 10 R. A. M., and Palestine Commandery No. 3 K. T., to be present and witness the ceremonies of dedicating the new Masonic Temple at Palestine on June 24, 1879, and regret that the press of public business renders it inconsistent with the public interests for the Senate to adjourn over for the short period which would be necessary.

HOUSTON, *Chairman*.

The resolution just reported adopted.

Senator Shannon, chairman of committee on judicial districts, submitted the following report:

COMMITTEE ROOM, AUSTIN, June 20, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on judicial districts, to whom was referred House bill No. 11, entitled "An act to define the times of holding the terms of the district court in the fifth judicial district of the State of Texas," have considered the same, and I am instructed to report it back to the Senate and recommend its passage.

SHANNON, *Chairman*.

Senator Davenport introduced a bill entitled "An act prescribing the times of holding the district courts in the twelfth judicial district."

Referred to committee on judicial districts.

On motion of Senator Storey, Senator Gooch was excused from to-morrow morning until Thursday morning next.

On motion of Senator Houston, Senator Duncan was excused for two days, beginning on Monday morning next.

The resolution reported on yesterday from the committee on rules was taken up as special order for to-day.

Senator Brown moved to postpone its consideration until next Thursday.

Senator Terrell moved the previous question on the pending motion and on the resolution.

Motion seconded and main question ordered.

The motion to postpone was lost, and the resolution adopted by the following vote:

YEAS.

Blassingame,	Guy,	McCulloch,	Shannon,
Burnett,	Hobby,	Moore,	Stewart,
Burton,	Homan,	Motley,	Street,
Davenport,	Houston,	Patton,	Swain,
Gooch,	Ledbetter,	Ripetoe,	Tilson—21.
Grace,			

NAYS.

Brown,	Edwards,	Lane,	Storey,
Buchanan,	Ford,	Martin,	Terrell—10.
Duncan,	Lair,		

Senator Ford (by leave) introduced a bill entitled "An act to amend section 28 of an act entitled 'an act to provide for the protection of the frontier of the State of Texas, against the invasion of hostile Indians, Mexicans, or other marauding or thieving parties,' approved April 10, 1874."

Referred to judiciary committee No. 1.

The resolution with regard to electing a sergeant-at-arms, offered on the 17th instant, was taken up as special order.

(Senator Hobby in the chair.)

Senator Edwards offered the following amendment: After the words "full appreciation" the words "of the worth and efficient services of."

Adopted unanimously.

Senator Brown moved to postpone the further consideration of the resolution until Monday next.

Adopted.

On motion of Senator Burnett, the rules were suspended to take up House bill No. 14, "An act supplementary to 'an act to establish a state normal school,' approved April 21, 1879," by the following vote:

YEAS.

Blassingame,	Edwards,	Homan,	Motley.
Brown,	Ford,	Houston,	Patton.
Burnett,	Gooch,	Lane,	Ripetoe,
Burton,	Grace,	Ledbetter,	Shannon,
Davenport,	Guy,	Martin,	Stewart,
Duncan,	Hobby,	McCulloch,	Tilson—24.

NAYS.

Buchanan,	Storey,	Swain,	Terrell—6.
Lair,	Street,		

Not voting—Moore.

The bill was then read second time and passed to a third reading.

A message was received from the House announcing the passage of House bill No. 12, "An act requiring sheriffs, clerks and attorneys having accounts against the state in criminal cases to make out the same in itemized form, under oath, and requiring judges, after allowing said accounts, to order them to be recorded in the minutes of the courts;" and House bill No. 15, "An act to amend the ninth section of 'an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,' approved February 22, 1879."

The above bills were taken up and referred by the president as follows:

"House bill No. 12 to judiciary committee No. 1, and House bill No. 15 to committee on judicial districts."

On motion of Senator Houston, Senator Homan was excused for four days, beginning from to-day.

Senator Edwards moved to suspend the rules and take up Senate bill No. 5, entitled "An act to amend article 3704 and chapter 1, title 95 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas, with substitute,' passed February 21, 1879."

Senator Stewart moved a call of the Senate.

Call sustained.

Absent—Shannon.

Pending business went to the table.

On motion of Senator Grace, Mr. H. C. Surghnor, the enrolling clerk, was excused from to-morrow till Monday evening next.

Senate bill No. 2, entitled "An act to make an appropriation for the establishment and maintenance of the public free schools of the state for the year ending August 31, 1880 and 1881," was taken up.

Senator Houston moved a call of the Senate.

Call sustained.

Roll called. Absent—Shannon.

Pending bill went to the table.

Senate bill No. 9, entitled "An act supplemental to and amendatory of an act entitled 'an act to make an appropriation for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881,' approved April 23, 1879," was taken up.

Senator Grace moved a call of the Senate.

Call sustained.

Roll called. Absent—Shannon.

Pending bill went to the table.

Senator Edwards moved to excuse Senator Shannon.

Withdrawn.

Senate bill No. 10, entitled "An act making an appropriation to defray the contingent expenses of the Senate of the first called session of the Sixteenth Legislature," was taken up.

On motion of Senator Storey, this bill was postponed until Monday morning.

Senate bill No. 11, entitled "An act to amend articles 672 and 673 of chapter 2, title 2, of the Revised Civil Statutes of the State of Texas, and to repeal article 675 of said chapter relating to organizing counties," was taken up.

Pending the consideration of this bill Senator Shannon appeared and the Senate was announced full.

The consideration of the motion to take up Senate bill No. 5, with substitute, entitled "An act defining and prescribing what funds shall constitute the available school fund, and repealing all laws in conflict therewith," was resumed.

The motion to suspend the rules was lost by the following vote:

YEAS.

Blossingame,	Ford,	Ledbetter,	Storey,
Brown,	Gooch,	Martin,	Street,
Buchanan,	Hobby,	McCulloch,	Terrell,
Duncan,	Lair,	Moore,	Tilson—18.
Edwards,	Lane,		

NAYS

Burnett,	Guy,	Motley,	Shannon,
Burton,	Homan,	Patton,	Stewart,
Davenport,	Houston,	Ripetoe,	Swain—13.
Grace,			

(President in the chair.)

Senate bill No. 2, which had gone to the table under the call of the Senate, was taken up and read second time.

Senator Edwards moved to lay the bill and reports on the table;

Carried by the following vote:

YEAS.			
Blassingame,	Gooch,	Ledbetter,	Storey,
Brown,	Hobby,	Martin,	Street,
Buchanan,	Lair,	McCulloch,	Terrell,
Duncan,	Lane,	Moore,	Tilson—17.
Edwards,			

NAYS.			
Burnett,	Grace,	Motley,	Shannon,
Burton,	Guy,	Patton,	Stewart,
Davenport,	Homan,	Ripetoe,	Swain—14.
Ford,	Houston,		

Senator Edwards entered a motion to reconsider the vote just taken.

Senate bill No. 5, just referred to, was taken up and read second time.

Senator Stewart moved to print fifty copies of the pending bill.

Senator Ledbetter moved the previous question on the motion to print.

Motion seconded and the main question ordered.

The motion to print was then lost by the following vote:

YEAS.			
Burnett,	Guy,	Motley,	Shannon,
Burton,	Homan,	Patton,	Stewart,
Davenport,	Houston,	Ripetoe,	Swain—13.
Grace,			

NAYS.			
Blassingame,	Ford,	Ledbetter,	Storey,
Brown,	Gooch,	Martin,	Street,
Buchanan,	Hobby,	McCulloch,	Terrell,
Duncan,	Lane,	Moore,	Tilson—18.
Edwards,	Lair,		

Senator Patton moved to adjourn until 9 o'clock A. M. to-morrow.

Lost by the following vote:

YEAS.			
Burnett,	Guy,	Motley,	Shannon,
Burton,	Homan,	Patton,	Stewart,
Davenport,	Houston,	Ripetoe,	Swain—13.
Grace,			

NAYS.			
Blassingame,	Ford,	Ledbetter,	Storey,
Brown,	Gooch,	Martin,	Street,
Buchanan,	Hobby,	McCulloch,	Terrell,
Duncan,	Lair,	Moore,	Tilson—18.
Edwards,	Lane,		

(Senator Lair in the chair.)

After some discussion—

(The president in the chair.)

Senator Burnett moved to adjourn until 9 o'clock A. M. to-morrow.

Senator Edwards moved to adjourn until 4 o'clock P. M.

Senator Burnett's motion to adjourn until 9 o'clock A. M. to-morrow was lost by the following vote:

YEAS.			
Burnett,	Ford,	Patton,	Stewart,
Burton,	Grace,	Ripetoe,	Swain 11.
Davenport,	Guy,	Shannon,	
NAYS.			
Blassingame,	Gooch,	Martin,	Street,
Brown,	Hobby,	McCulloch,	Terrell,
Buchanan,	Lair,	Moore,	Tilson—15.
Edwards,	Lane,	Storey,	

Not voting—Duncan, Homan, Houston, Ledbetter, Motley.

The motion of Senator Edwards to adjourn until 4 o'clock P. M. was then adopted.

AFTERNOON SESSION.

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present.

The unfinished business being Senate bill No. 5, it was taken up with the pending substitute of the committee on education, and its consideration resumed.

Senator Davenport moved to adjourn until 9 o'clock A. M. to-morrow.

Lost by the following vote:

YEAS.			
Burton,	Guy,	Patton,	Stewart,
Davenport,	Houston,	Shannon,	Swain - 10.
Grace,	Motley,		
NAYS.			
Blassingame,	Edwards.	Lair,	McCulloch,
Brown,	Ford,	Lane,	Moore,
Buchanan,	Gooch,	Ledbetter,	Storey,
Burnett,	Hobby,	Martin,	Street—16.

Not voting—Ripetoe, Terrell, Tilson.

Senator Homan stated he was paired with Senator Duncan; that he would vote "aye," and Senator Duncan "no" on this vote.

(Senator Lair in the chair.)

Senator Patton offered the following resolution :

Resolved, That 100 copies of the several items of legislation on the different subjects recommended by the governor, in his several messages, be printed for the use of the Senate, under the direction of the secretary of the Senate.

Adopted.

(President in the chair.)

Senator Ford entered a motion to reconsider the vote by which the resolution of Senator Davenport to provide for the appointment of a general clerk was lost.

Senator Houston moved to adjourn until 9 o'clock to-morrow morning.

Lost by the following vote :

YEAS.			
Burnett,	Grace,	Motley,	Shannon,
Burton,	Guy,	Patton,	Swain—11.
Davenport,	Houston,	Ripetoe,	
NAYS.			
Blassingame,	Gooch,	Ledbetter,	Storey.
Brown,	Hobby,	Martin,	Street,
Buchanan,	Lair,	McCulloch,	Terrell,
Edwards,	Lane,	Moore,	Tilson—17.
Ford,			

Not voting—Duncan, Homan, Stewart.

Senator Homan stated he was paired with Senator Duncan ; that he would vote "aye" and Senator Duncan "no" on this question.

Senator Gooch moved the previous question, which was seconded.

Senator Houston moved a call of the Senate.

Call sustained.

Roll called. Absent—Duncan.

Senator Homan stated that he was paired with Senator Duncan, and moved that he be excused.

Lost by the following vote:

YEAS.			
Blassingame,	Gooch,	Ledbetter,	Storey,
Brown,	Hobby,	Martin,	Street,
Buchanan,	Homan,	McCulloch,	Terrell,
Edwards,	Lair,	Moore,	Tilson--18.
Ford,	Lane,		

NAYS.			
Burnett,	Grace,	Motley,	Shannon,
Burton,	Guy,	Patton,	Stewart,
Davenport,	Houston,	Ripetoe,	Swain--12.

Senator Storey raised the point of order that Senator Duncan had already been excused to-day, to take effect to-morrow morning, and that as he was paired with Senator Homan, he was virtually present—that the object in having a senator here is to obtain his vote—and that in this case his vote is really cast by virtue of the fact of his being paired.

The president overruled the point of order.

Senator Burnett moved that the consideration of the bill be postponed until to-morrow at 10 A. M.

Senator Edwards made the point of order that the motion to postpone was out of order, as the Senate is under call.

The president ruled the point of order well taken.

Senate bill No. 9, "An act supplemental to and amendatory of 'an act to make an appropriation for the support of the state government, for the years beginning March 1, 1879, and ending February 28, 1881,' approved April 23, 1879," was taken up.

Senator Grace moved a call of the Senate.

Call sustained.

Absent—Senator Duncan.

Senator Storey made a point of order that Senator Duncan being the only absent senator, and he being paired, the Senate is full.

Overruled by the president.

Pending the call, the bill went to the table.

Senator Homan (by leave) introduced a bill entitled "An act to amend articles 1007 and 1008 of the Revised Statutes."

Referred to judiciary committee No. 2.

Senator Homan moved to excuse Senator Duncan.

Lost by the following vote, it requiring a two-thirds vote to excuse a senator when the Senate is under call:

YEAS.			
Blassingame,	Gooch,	Ledbetter,	Storey,
Brown,	Hobby,	Martin,	Street,
Buchanan,	Homan,	McCulloch,	Terrell,
Edwards,	Lair,	Moore,	Tilson--18.
Ford,	Lane,		

NAYS.			
Burnett,	Grace,	Motley,	Shannon,
Burton,	Guy,	Patton,	Stewart,
Davenport,	Houston,	Ripetoe,	Swain--12.

Not voting—Duncan.

Senator Burton moved to suspend the rules to take up Senate bill No.

39, entitled "An act to provide for the organization and support of a normal school at Prairie View (formerly called Alta Vista), in Waller county, in this state, for the preparation and training of colored teachers."

Carried by the following vote:

YEAS.

Blassingame,	Gooch,	Ledbetter,	Shannon,
Brown,	Grace,	Martin,	Stewart,
Buchanan,	Guy,	McCulloch,	Storey,
Burnett,	Hobby,	Moore,	Street,
Burton,	Homan,	Motley,	Swain,
Davenport,	Houston,	Patton,	Terrell,
Edwards,	Lair,	Ripetoe,	Tilson—30.
Ford,	Lane,		

NAYS—none.

Not voting—Duncan.

Bill read second time and ordered engrossed.

Senator Street moved to suspend the rules to take up Senate bill No. 17, entitled "An act to provide for the relief of the supreme court and court of appeals from too great an accumulation of business."

Carried and bill read second time.

Senator Stewart offered a substitute.

Senator Street offered the following amendment:

Amend: 1. By striking out, first page, seventeenth line, "chief justice and presiding judge."

2. By inserting after the word "clerk," second page, fourth line, "if necessary."

3. Add the following clause at the end of section 2: "And should no clerk be appointed, as hereinbefore provided, then the clerks of the supreme court and of the court of appeals at the several branches thereof, shall be *ex officio* clerks of the said 'court of errors,' keeping separate minutes and dockets for said court, and performing all the duties and receiving all the fees pertaining thereto."

4. Strike out on page 3, line seventeen, the word "transferred," and insert in lieu thereof "referred."

(Senator Houston in the chair.)

The amendment of Senator Street was adopted.

On motion of Senator Lane, the bill was postponed until Wednesday, at 10 o'clock A. M., and made the special order for that time, and from day to day until disposed of, and fifty copies of the substitute ordered printed.

(President in the chair.)

Senator Duncan appearing the Senate was announced full, and the consideration of Senate bill No. 5 resumed.

The main question, under the previous question, which had been seconded, was ordered by the following vote:

YEAS.

Blassingame.	Ford,	Ledbetter,	Storey,
Brown,	Gooch,	Martin,	Street,
Buchanan,	Hobby,	McCulloch,	Terrell,
Duncan,	Lair,	Moore,	Tilson—18.
Edwards,	Lane,		

NAYS.

Davenport,	Guy,	Motley,	Stewart—7.
Grace,	Houston,	Shannon,	

Not voting—Burnett, Burton, Homan, Patton, Ripetoe, Swain.

The vote being taken on the adoption of committee's substitute, it appeared that no quorum had voted:

YEAS.

Blassingame,	Ford,	Ledbetter,	Storey,
Brown,	Gooch,	Martin,	Street,
Buchanan,	Hobby,	McCulloch,	Terrell,
Duncan,	Lair,	Moore,	Tilson—18.
Edwards,	Lane,		

NAYS.

Motley, Swain—2.
Present, not voting—Burnett, Burton, Davenport, Grace, Guy, Homan, Houston, Patton, Ripetoe, Shannon, Stewart.
Senator Brown moved a call of the Senate.
Withdrawn.

The names of the senators not voting were again called, when they voted as follows:

NAYS.

Burnett,	Grace,	Houston,	Shannon,
Burton,	Guy,	Patton,	Stewart—11.
Davenport,	Homan,	Ripetoe,	

The president announced that the substitute was adopted.

Senator Houston moved to excuse Senator Duncan for three days from to-morrow morning.

Carried.

On motion of Senator Ledbetter, the Senate adjourned until 9 o'clock A. M. to-morrow.

ELEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 21, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Burton, the reading of the journals of yesterday was dispensed with.

Senator Burnett called attention to an apparent error in the journals, with regard to House bill No. 14, that he called up. Upon examination it was found that the matter referred to was entered twice consecutively, the latter a correction of the former, which had been slightly cancelled, and thus appeared in the printed journals.

Senator Shannon called attention to the fact that he was reported as not voting in the evening session on the vote ordering the main question, under the motion of Senator Gooch for the previous question, when he voted in the negative.

Correction made and journals of yesterday approved.

On motion of Senator Terrell, the chaplain was excused for Monday, Tuesday and Wednesday next.

Senator McCulloch presented the petition of several citizens and business men of Marquez, in Leon county, in favor of the repeal of the occupation tax, giving many reasons for their request.

Referred to committee on finance.

On motion of Senator Motley, Senate went into executive session.